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Henry W. Hilliard
by
Miss Toccoa Cozart.





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BY

MISS TOCCOA COZART

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V. HENRY W. HILLIARD.

By MISS TOCCOA COZART,¹ Montgomery.

During the last few years there has been a decided revival of interest in Southern history. Calhoun, Yancey, and their followers are beginning to receive proper attention; but is it not strange that the statesmen who advocated the opposite policy—that of moderation—have received scarcely any notice from Southern writers? Many of these were men of high character and recognized ability, and without a knowledge of their views it is impossible to do justice to the causes that led up to the events of 1861-65.

¹ Miss Toccoa Cozart was born in Atlanta, Ga., but just before the outbreak of the War between the States removed with her widowed mother to Montgomery, Ala., and her earliest impressions, therefore, are Alabamian. She has lively recollections of her school days during reconstruction times in Montgomery—and in Atlanta also, for it was in the Cozart family of Atlanta that the Chipley family found comforters during the political persecution of Capt. W. D. Chipley by the United States authorities. Her interest in his case was keen and vivid, and she gave breathless attention to its details. Perhaps here was struck the little root that was later to grow into an all absorbing love of history—and its makers. For years Miss Cozart's life was the ordinary one of a Southern woman with refined surroundings. Her home was, in the old days, one of the loveliest spots in Montgomery. Situated on the crest of South Perry street, the view was charming, the wide old white house gleaming through its magnificent screen of stately cedars and sweeping elms. Here she spent her quiet days reading and gathering from the rich materials of her associations—the sweet influences of a cultured circle of friends—the strength which she was later to put into her work as a teacher. But time wrought its sad changes; the family circle was broken; the old home passed away in ashes; and stately homes of strangers now cover the once wide lawns and orchards. In 1890 Miss Cozart accepted a position as teacher in a country high school. Her experiences were so rich, her enthusiasm grew so great, that she determined to fit herself properly for this most sacred calling, therefore the following year found her in the State Normal College at Florence, Ala. Here she felt she had found her life work, but the climate was too severe for her mother's health, and she returned to Montgomery, where for three years she taught in Capitol Hill school. Her health demanding rest, she concluded to try the adage "Don't stop, but change your work!" In the fall of 1897 she entered the Alabama Polytechnic Institute, Auburn, for special work in English and history. Here her energies found full opportunities in the original research work encouraged by Dr. George Petrie, Professor of History. For the past five years she has studied and written under the encouragement and criticism of this clear minded scholar. If heredity means anything, then her interest in the makers of history is but natural, for Miss Cozart is descended from the Turners and Carrolls of Maryland, the Williamsons, Mangums and Persons of North Carolina and the Crosslands of South Carolina. She is the daughter of Wiley and Hannah Page (*MacIntyre*) Cozart.—EDITOR.

Henry W. Hilliard not only belonged to this moderate element, but was one of its most conspicuous leaders; and for that reason his life and opinions ought to have, at least for Alabamians, an especial interest.

He was born in Fayetteville, N. C., Aug. 4, 1808.² His father moved to Columbia, S. C., where the young son was graduated from South Carolina College at the age of sixteen. He then studied law in the office of Wm. C. Preston, for whom he entertained a most loving friendship through life. He was as precocious at the law as in college, for he was admitted to the bar at the age of nineteen. Very shortly after this he went to Athens, Ga., to live.

Mr. Hilliard at an early period in his career had joined the itinerancy of the Methodist Church—a connection which was never entirely severed even amidst the subsequent cares of public life.

In 1831 the University of Alabama chose its first faculty; and papers³ of that day relate that "the Reverend Mr. Hilliard has been chosen Professor of Literature." The name of Hilliard is thus identified with the beginnings of our State's great institution. He did not enter upon the duties of his new position until the University had been in operation several months. He was but twenty-three when called to so high an honor.⁴

A year later, while Tuscaloosa was the capital of Alabama, Mr. Hilliard delivered before the general assembly of the State a eulogy on Charles Carroll of Carrollton.

After serving three years in the University, he resigned and settled in Montgomery, Ala., to practice law. In 1835 he decided to enter politics, and became a candidate for the legislature; he was elected. Garrett,⁵ in his *Reminiscences of Public Men* says, "Hilliard came into the House with a reputation for ability, and qualities as a gentleman, which he fully sustained." Under the influence of Wm. C. Preston, he had naturally imbibed the political doctrines of the Whig party. Garrett thus defines his

² Garrett's *Public Men in Alabama*, p. 93, also "Hilliard" in *Appleton's Cyclopedia of Biography*; also same in the *Century Dictionary of Names*.

³ *Tuscaloosa Chronicle*, Sept. 31, 1831, now in possession of Dr. Petrie, Alabama Polytechnic Institute.

⁴ W. G. Clark's *History of Education in Alabama*, p. 39.

⁵ Garrett, p. 96.

position: "A Whig of the States' rights School,⁶ ardently devoted to the interests of the South, yet, in his patriotism, embracing the whole country."

A careful investigation of Hilliard's political career in the light of his speeches, printed newspaper articles, and adverse criticisms of political opponents goes to prove that he held tenaciously to the creed of the Whigs. It is found, like a shining silken thread, leading through the mysteries of Know-Nothingism and then in and again out of the Democratic ranks, as he goes on seeking his ideal national party until the crash of the Civil War stops his quest.

While in the legislature—where he served for two terms—he was very active in opposition to the sub-treasury resolution,⁷ pronouncing the scheme "a system that looked to the establishment of a colossal despotism." He also opposed the application of the "general ticket" plan to the election of Alabama's congressmen, advocating the right of the citizens of each district to elect their representative.⁸

The Whig party had grown strong in Alabama, and it very naturally turned to this vigorous young leader. So in 1839 he was sent as a delegate to the Whig convention that nominated Harrison for president. His description⁹ of his experience is well worth the study of the young politicians of our day. Henry Clay was the ideal leader to this young and enthusiastic delegate, and he championed Clay's cause to the end of the fight; yet he accepted the final decision in Harrison's favor loyally. While Tyler's friends have since admitted¹⁰ that his nomination was a bargain, Hilliard gives no intimation that he knew anything of it. He gave Harrison and Tyler his loyal support, because his party had chosen them "as the best available material."

In describing the campaign of "Tippecanoe and Tyler too," it is rather singular that Mr. Hilliard should enter into so minute a description of the active part that women took in the canvass. He tells of a great "log cabin" erected in Richmond, Va., where the

⁶ Also see *Life of Tyler*, vol. i, p. 606.

⁷ Hilliard's *Speeches and Addresses* (1855), p. 1.

⁸ Wm. Garrott Brown's *History of Alabama*, p. 182.

⁹ Hilliard's *Politics and Pen Pictures* (1892), p. 1.

¹⁰ See *Letters of the Tylers*, vol. iii, of the series—*Life of Tyler*.

fair women of that city assembled and received Daniel Webster. Mr. Hilliard very naively states that the gallant Webster "addressed them"—collectively.¹¹

Very friendly relations had been established between Hilliard and Tyler; so, when Tyler became president, he intimated that Hilliard might be appointed minister to some foreign country. While still vice-president, he had suggested the mission to Belgium. Wm. C. Preston wrote to Hilliard that the mission to Portugal was his if he wanted it, but Hilliard declined with thanks the offer of Lisbon, saying he preferred to wait for a possible vacancy at Brussels. In May, 1842, his old instructor and friend was made the medium through which Hilliard received the pleasant intelligence of his appointment to Belgium.¹²

Here was a great opportunity opening to a young and ardent scholar—a man loving all the refinements of life, eager to see the old World from which the new had drawn rich stores so long; a man who was naturally a diplomat, loving finesse as a born chess player loves chess. So, into a school of diplomacy, to which "the European governments sent their ablest diplomatists," as Hilliard tells us in his reminiscences,¹³ Alabama's adopted son was sent as his country's representative.

His keen appreciation of these advantages are set forth clearly in his charming pages. He surely would have been a dullard not to be impressed and powerfully influenced by association with the greatest men of the great nations. Think of being privileged to discuss the theory of government with Louis Philippe of France,¹⁴ science with Von Humbolt,¹⁵ and to listen to and observe Guizot¹⁶ on his "native heath;" think of love of country being fostered in a young, ardent and imaginative Republican by the words of a king:¹⁷ "Your country, Mr. Hilliard, is too great to be affected by considerations that might weigh with some of the States of Europe, whose boundaries are carved out

¹¹ *Politics*, etc., p. 21.

¹² *Ibid*, p. 26.

¹³ *Ibid*, p. 42.

¹⁴ *Ibid*, p. 68.

¹⁵ *Ibid*, p. 72.

¹⁶ *Ibid*, pp. 70, 103.

¹⁷ See Hilliard's interview with King Leopold of Belgium, in *Politics and Pen Pictures*, p. 74.

with the sword; your resources are inexhaustible. And you will maintain your credit at any pecuniary cost rather than impair the influence which you exert upon other nations. You are yet a young nation, and your example is already exerting a powerful influence in the world."

How broadening was all this to a man naturally inclined to liberality!

Could such a man be expected to return to America and view the issues involved in the further development of the "young nation" with other than a liberal mind? And might we not also expect that he would be inclined to emphasize in his political views the national standpoint as opposed to the sectional? Yet Hilliard was thoroughly Southern, and whenever he could advance the South's interests without endangering harmony with the general government, he did not hesitate.

Perhaps history has failed to do full justice to the influence upon succeeding events of an incident occurring during his ministry to Brussels.¹⁸ At this particular time Texas was seeking recognition as an independent republic, at the hands of the different European governments. The United States, England, and France had made known their views. At the same time there was much "quiet talk" of Texas being admitted to the United States. Texas instructed her representative at the court of France to go to Brussels; he appealed to the United States minister for aid in obtaining recognition from the Belgian government. When the Belgian prime minister requested Mr. Hilliard's views regarding the position of the United States, Hilliard replied that he had as yet received no definite instructions, but his private opinion was that annexation was inevitable.¹⁹

The diplomatic corps in Brussels observing the abrupt departure of the Texan representative, laughingly remarked that notwithstanding some doubt as to what America would do with Texas, the American minister had certainly devoured the representative of the little republic! Within a year after this, Texas had become a State in the Union.

In 1844 Hilliard was obliged to resign his ministry, as death

¹⁸ *Politics*, etc., pp. 82, 83, 84, 91, 92, 93.

¹⁹ *Ibid*, p. 83.

and sorrow in his family²⁰ laid claims upon his heart that drew him back across the ocean.

That he had lost nothing of his Americanism is proven by the zest with which he threw himself into the campaign just opening. He says, "It was so American that I entered into it with all my heart."²¹ So, in 1845, Hilliard entered the arena of national politics. He made a vigorous canvass for a seat in congress. His election was a triumph of the Whigs over the Democrats.²²

On entering upon his duties in congress, very soon he struck the key-note sounded by King Leopold, and referred to above. Hilliard says that while abroad he "had observed the importance of maintaining the rights of nations firmly and resolutely, in negotiations affecting them."²³ Upon this subject Hilliard made his maiden speech. He dwelt upon England's well-known sagacity, and tenacity, concerning land-grabbing; he said America could not afford to count the cost and trouble of holding her valuable territory; that before America could estimate the value of Oregon she "must look across the Pacific, and estimate that trade with China and the Eastern Archipelago, which is soon to open upon us in all its riches, grandeur and magnificence."²⁴ He proposed that Oregon be sent a governor, "sagacious, prudent and experienced;" that this governor be sustained in a definite policy to the full extent and power of the government; that the prospect of war should not frighten America into yielding her just claims to her territory. John Quincy Adams²⁵ said that Hilliard's speech "settled the Oregon question."

The next great event was the Mexican war. Mr. Hilliard held the view that, as Texas had succeeded in establishing her independence, which had been acknowledged by two great European powers, she had a right to enter the federation of States if she chose—and she had chosen to do so; and that after annexation, the grievances of Texas became our own. Mexico was threaten-

²⁰ *Politics*, etc., p. 113.

²¹ *Ibid*, p. 117.

²² See Lalor, article on the "Whig Party."

²³ *Politics*, etc., p. 135.

²⁴ *Speeches and Addresses*, p. 51.

²⁵ *Politics*, etc., p. 143.

ing to invade Texas. It was a threat against the United States; and the general government must prepare to protect the new State and its own dignity as a nation.²⁶

As to the acquisition of Texas and all the territory that came with it, Mr. Hilliard looked upon it as a land of promise, affording an outlet for the agricultural activities of the South by adding much land that, with its favorable climate, would foster slave-labor.²⁷ Mr. Hilliard's party became divided on the question of the war, some opposing the extension of slavery, others opposing the introduction into national politics of this question of slavery extension.

Hilliard is silent as to the manner of the admission of Texas into the Union. We can but suppose this is due to his loyalty to Tyler.

However, there is no note of concession in his ringing speech concerning the Wilmot proviso. He said "The Wilmot proviso, which seeks to exclude the citizens of the slave-holding States *

* (from the common territory) has not a principle to recommend it. It rests neither on generosity, nor justice, nor constitutional law; and it asserts a doctrine which would not be tolerated for a single moment if applied to the ordinary transactions of life, in any part of the civilized world."²⁸

He seemed to feel premonitions of danger, for he further said that the Wilmot proviso "was like a sea-bird driven far inland; it may be a messenger which gives notice of the coming tempest."²⁹

Concerning the theory of State rights, Hilliard's views were along broad lines. He held that under the constitution each State had the inalienable right to look after its domestic affairs; that if a question should arise as to the jurisdiction of State or Federal government, patriotism and good common sense—not selfishness—should settle the matter, even to the point of some concession on the part of the State, for the general good.³⁰ But in regard to the enjoyment of all common property—territory especially—all States must share alike; be equally protected

²⁶ *Speeches and Addresses*, p. 200.

²⁷ See *Politics*, etc., subject "Texas;" also *Speeches and Addresses*, p. 281.

²⁸ *Speeches and Addresses*, p. 230.

²⁹ *Ibid*, p. 86.

³⁰ Hodgson's *Cradle of the Confederacy*, chap. ix.

by the government in this sharing; and that no laws discriminating in any way against a State or States should be tolerated.³¹

Hilliard belonged to that class of Whigs who had hoped that the compromise line—"36° 30'"—would lay to rest the vexing question of slavery extension. In congress he advocated the extension of this line to the Pacific³², but it refused to be settled as a pacific question!

When the debates in congress grew heated over the admission of California, his voice was raised in warning and protest. While he felt sure that when California was admitted to the Union, she would voluntarily exclude slavery, he said, "Do not suffer men whose vocation it is to agitate dangerous questions to drive you upon fatal measures. There is patriotism enough, and there is firmness enough to arrest the evils which threaten."³³

As to the wisdom of compromising, Hilliard thought it would be braver to face the issues and settle the question fairly, and within the Union, once and forever. He said:³⁴

"We (of the South) shall never be stronger than we are to-day. So far as we can read the future, we must expect the disproportion to grow. To-day, then, it is our duty to ascertain and fix the future policy of this government. * * I repeat, we must settle to-day the interests of the great future which is opening before us. We are strong enough now to repel the aggressions which threaten us, and to secure ample protection for our future safety, if we have the spirit to press our demands. * * I am for offering battle at once. I am for staking everything upon a single field. We shall never be in better condition for contesting it than we are now."³⁵

Speaking of the growing anti-slavery sentiment, he thus bravely faces his beloved South:

"There is a domestic institution³⁶ in the South which in some sort insulates us from all mankind. The civilized world is against us. I know it; I comprehend it; I feel it. A sentiment which took its rise in England; which has spread over the continent of Europe; which now covers a large proportion of our own country—that sentiment, gathering strength with every advancing year, threatens to overwhelm us. The tide has

³¹ *Speeches and Addresses*, p. 213, 219.

³² *Ibid.*

³³ *Ibid.*, p. 234.

³⁴ *Ibid.*, p. 240-41.

³⁵ *Ibid.*, p. 242.

³⁶ *Ibid.*, p. 214.

been rising higher and higher until we begin to feel the spray breaking over the embankments which surround us. Our moral condition at the South resembles the physical condition of Holland, where, dikes thrown up by the ingenuity of man hardly protect his habitations against the incursions of the sea. * * * But, because of the South's weakness, I shall stand by her to the last."

These were brave words with which to face a slave-holding constituency,³⁷ and a vigilant and unsparing political opposition! Yet, Mr. Hilliard having placed himself thus "on record," went to Alabama and met the issues squarely. Southern rights associations were teaching the right of secession; but the Union element was strong, and it quickly realized that some organized effort must be made to counteract the influence of such men as Wm. L. Yancey and his followers. Clubs were immediately formed; this movement in Montgomery was led by B. S. Bibb, Thomas H. Watts, Thomas Judge, James Abercrombie and Henry W. Hilliard.³⁸

In January, 1851, a State union convention was held, and such illustrious names as Belser, Bibb, Clanton, Patton, Parsons, Watts and Hilliard were enrolled.³⁹ They accepted the compromise, and earnestly opposed secession, declaring that grievances must and could be settled within the Union, and under the constitution, and that this could be effected by a co-operation of States.⁴⁰

Believing⁴¹ that once more oil had been poured upon the troubled political waters; that the compromise of 1850 had been accepted as an adjustment of sectional differences; that he might now turn his attention to his long neglected law practice, Mr. Hilliard declined to be re-elected to congress.

Finding, however, that the Whig nominee⁴² for his vacated seat in congress needed assistance, he once more agreed to address the constituency. This aroused the Democrats and they

³⁷ *Politics*, etc., p. 210.

³⁸ Hodgson's *Cradle of the Confederacy*, p. 286.

³⁹ *Ibid*, p. 294.

⁴⁰ Hodgson's *Cradle of the Confederacy*, p. 294-5; also *Politics*, p. 253, paragraphs 4 and 5; also p. 252.

⁴¹ *Politics*, etc., p. 249, 250.

⁴² James Abercrombie.

sent Yancey to meet Hilliard.⁴³ This was the beginning of the most memorable campaign in the history of Alabama politics.

These two giants had first measured lances in the halls of congress, and had seemed actually to array themselves on opposite sides of the great questions of the day. So, when these men of notable ability prepared to plead the merits of their respective causes before the tribunal of the people, even the candidates whose canvass it was stood aside—completely effacing themselves—while the “battle of the giants” raged.⁴⁴

The following criticism is taken from the *Montgomery Weekly Advertiser*, July 24, 1855:

“He (Hilliard) is a very persuasive speaker, charming you by the elegance of his diction, the easy, uninterrupted flow of well constructed sentences, and the aptness and beauty of his metaphors. * * Mild and conciliatory in his tone, he rarely offends the prejudices of his hearers; and, though possessing great powers of sarcasm—as polished and poisonous as the sting of a bee, he seldom uses it. With more fancy, he has less imagination than Mr. Yancey; more rhetorical, he is not so logical. * * * Yancey has more passion, Hilliard more art. Yancey is ardent, impulsive, rash; Hilliard cold, self-possessed, cautious. Both are men of power.”⁴⁵

Again Mr. Hilliard bore the Whig party to victory. Abercrombie was elected by a very large majority. Thus Alabama signified her acquiescence in the compromise of 1850.

The country had subsided into comparative quiet, when Douglas, in true Scotch fashion, once more sounded the slogan, by introducing the Kansas-Nebraska bill into congress. Mr. Hilliard considered the repeal of the Missouri compromise “to the last degree impolitic.”⁴⁶ * * * It was the breaking down of a great barrier against which sectional feeling and party passion had

⁴³ See DuBose's *Life of Yancey*, for the Hilliard-Yancey debates.

⁴⁴ Mrs. Maxwell Allen, Hilliard's sister-in-law, thus writes in 1901, reminiscently of Hilliard, “In one of the great political campaigns, it was published that Hilliard and Yancey were to speak in one of the lower counties, Pike I think—Hilliard on the Whig side and Yancey on the Democratic. When the time came, men from every part of the State came to see Hilliard and Yancey ‘lock horns,’ as it was expressed in those days. It is remembered as the ‘battle of the giants.’”

⁴⁵ See bound volume of *Montgomery Weekly Advertiser*, 1855, in office of the Advertiser Co.

⁴⁶ *Politics*, etc., p. 266.

so long beat in vain."⁴⁷ He regarded it as a means by which all elements in the North could be consolidated into effective opposition to the South and her institutions; and he believed that the triumph of the South—being now able to carry her institutions anywhere within the limits of the territories—was meagre beside the re-awakened prejudice; and that the triumph would last only until the "squatter sovereigns," by their votes should drive her forth.⁴⁸

Yet, true to his State rights faith concerning common territory, Hilliard addressed Buford's expedition to Kansas. On the wharf at Montgomery, on the morning of their departure, he set forth the rights of Southerners, relying on the constitution, to enter Kansas Territory with their "institutions and property," and to claim protection therefor from the Federal government. Hilliard's rostrum for this occasion was a cotton bale. He counselled a spirit of peace and conciliation; and urged them to act on the defensive, to go armed with the truth and the constitution rather than with Sharpe's rifles.⁴⁹

The national Whig party having lost its hold upon the hearts of the people, and having split on sectional questions, the old Whig leaders, Bibb, Watts, Chilton, Judge, Clanton and Hilliard abandoned the sinking ship and sought refuge (which proved to be only temporary) in the Know-Nothing party. They could not consistently go to the Democratic party, for they charged that party—through Douglas and the repeal of the compromise line—with having "elevated sectional hostility into a positive element of political power and brought our institutions into peril."⁵⁰

Hilliard viewed with alarm the influx of a questionable element of foreign population. He was willing for America ever to be the refuge of the worthy and distressed, but America had been founded by Protestants—Protestant she must remain; and no in-

⁴⁷ *Politics*, etc., p. 267.

⁴⁸ Hilliard merely sketches this idea in *Politics*, p. 267; but in the report of his speeches, as given in the newspapers—the *Montgomery Advertiser* (Weekly), *The Journal*, *The Mail*, and *The Daily Confederation*, of this period—1855-1857, these views are distinctly stated.

⁴⁹ Hodgson's *Cradle of the Confederacy*, p. 353.

⁵⁰ *Ibid*, p. 355.

fluence anti-Protestant must be permitted to subvert the Protestant freedom of the government.⁵¹

Hilliard was soon convinced that the American party, as a party, could not be rendered practically beneficial to the nation; it was too narrow. While loyally supporting the nominee of the American party in 1856, he did it "recognizing him as a Whig, trusted and honored."⁵² He threw himself into the canvass with energy. He made speeches throughout North Alabama; his opponent was Hon. L. P. Walker. With his political and diplomatic training, it did not take long for Mr. Hilliard to realize that his was a lost cause,⁵³ and that Buchanan would be president. Mr. Hilliard speaks in glowing terms of the wonderful valley of the Tennessee, and especially of Huntsville. Upon his arrival there he was "captivated" and held "prisoner-guest" of the hospitable city. He speaks of the enthusiasm aroused in him by the magnificent audience that greeted him; "distinguished statesmen, gentlemen of both political parties, eminent men, fair ladies, wealth, culture and elegance—a typical Southern assemblage greeted my sight. * * In taking leave of that beautiful country, I bore with me a picture of rare beauty which will never be effaced from my memory."⁵⁴

Hilliard's reasons for "deserting" the American party and casting his fortunes with the Democrats were: He liked not the Free-Soil and Abolitionist combination at the North; he must either stand aloof altogether from public affairs, "a position so ungrateful to men of spirit and patriotic feeling in the day of public peril, or unite with their old adversaries, the National Democrats, in the cause of the constitution and the Union."⁵⁵

Writing some years later,⁵⁶ he explained, as follows, what his position at this time had been:

⁵¹ See Hodgson, p. 355-56. But for the spiciest view of this question, see the discussion in the newspapers of 1855, Sept. to Dec; bound volume in the office of Advertiser Co.; and see Oct. 13, 1855, *Weekly Advertiser*.

⁵² *Politics*, etc., p. 270-71.

⁵³ *Politics*, etc., p. 275.

⁵⁴ *Ibid*, p. 273.

⁵⁵ Lunt's *Origin of the Late War*, p. 233.

⁵⁶ Hilliard's Letter to Fillmore, as published in *The Weekly Post*, Montgomery, Ala., Sept. 11, 1860. This letter bears date, "New York, Aug. 30, 1860."

"When Mr. Buchanan came into power I felt it to be my duty to support his administration, and I said so publicly. I declined to contest with his friends the places which they held; stating it as my opinion that the conservative force of the country ought not to be impaired, but that it was our duty to forget past political strifes and antagonisms, and do what we might to strengthen the hands of the party in power in view of the great impending conflict to be fought in 1860. * * Unhappily the great party which achieved the signal triumph four years since, is now torn by fierce dissensions, and stands utterly powerless to contend against that formidable organization which ranges its battalions along the whole line that divides the North and the South."

He was also in sympathy with much of Buchanan's inaugural address, as well as approving Buchanan's political character.⁵⁷

What a howl of protest went up from Whigs and Americans! The newspapers of that day refer to others as having "withdrawn" from the American party, but to Hilliard as having "deserted."⁵⁸

Even Hilliard's polish of manner and universal toleration were turned against him. The following anecdote was published at his expense by the *Montgomery Mail*, 1857, after his defection:

"Two gentlemen met on the streets of Montgomery—one a Democrat and the other an American party man. Said the Democrat, 'Why, sir, your Mr. H. admits that Mr. Buchanan would make a safe president; he admits that the Democratic party is evidently a patriotic party! He is not much opposed to Mr. Buchanan.' The American party man: 'That is all very true, but you must remember that Mr. Hilliard is a very polite man, always tolerant and respectful toward the opposition. You say he does not abuse the Democracy? Why, sir, he never abuses anybody! I have heard him preach, and I never yet heard him abuse the Devil, sir! * * and I would guarantee that should he meet the Devil in a public place he would lift his hat!'⁵⁹ It is stated by a Columbus, Ga., paper that Mr. Hilliard in his speech concerning his joining the Democratic ranks, referred to the above anecdote, and said the author was truly kind and ap-

⁵⁷ *Politics*, p. 270; also see newspapers of 1857; *The Montgomery Mail* of April 1, 1857, says: "Mr. Hilliard while in Congress was a Whig—except on the tariff question—and Mr. Buchanan has, it seems, endorsed all those Whig speeches and votes in his Inaugural."

⁵⁸ See Montgomery weekly newspapers—the *Advertiser*, the *Journal*, the *Mail* and the *Confederation* of April, 1857, in office of Montgomery *Advertiser* and in the Alabama Supreme Court Library.

⁵⁹ In the *Montgomery Mail*, 1857, the entire anecdote is related.

preciative, that it was possible that he (H.) had met the author somewhere and had bowed politely to him, whereupon the author had drawn the inference that he (H.) would even take off his hat "to the Devil himself!"

His critics, when not bitter, assumed a sad and somewhat skeptical air:

"The recent declension of H. W. H.," said the *Montgomery Journal* of April 11, 1857, "is but another striking instance of the mutability of human greatness. Long the boast and pride of his party friends, who ever delighted to do him honor, he might this day occupy the proud position as the leader in Alabama of the opposition to the arrogant and hypocritical Democracy. * * His falling away was not sudden, but by degrees. * * I have no disposition to do Mr. H. injustice; he may be actuated by the purest and most disinterested patriotism. It may be that he is desirous of serving his country, and to do so more effectually, joins the party that has been its greatest bane."

It must have been with strange feelings that Hilliard now found himself fighting in the ranks of his old opponents, the Democrats, and under the same banner with a man who differed from him in political ideals as widely as Yancey. Although in the same party, it was inevitable that they should continue to cross swords. Yancey twitted⁶⁰ Hilliard with being a "Democratic yearling." Hilliard replied that it was not a question as to which was the older soldier, but which should prove the truest and the best.

When the Commercial convention met at Montgomery⁶¹ in May, 1858, Mr. Hilliard's voice was raised in earnest protest against anything that might lead to a re-opening of the African slave trade. While he would not yield up one right of the South to the demands of Christendom, he still had great respect for the opinion of the Christian world. He would not outrage it, but would rather seek to obtain its support and approval. From recent indications in England and France, he believed a change was being wrought in the opinion of the civilized world in relation to this question of slavery. Even in this country a great change was

⁶⁰ Major W. W. Screws of the *Montgomery Advertiser* heard Yancey's speech and Hilliard's reply; his reminiscences of those days are most interesting.

⁶¹ Hodgson's *Cradle of the Confederacy*, p. 371.

going on—look at the repeal of the Missouri restriction; the late decision⁶² of the U. S. supreme court; the election of the present chief magistrate—all by the power of the South.⁶³

During the session of the convention, Mr. Aiken, of South Carolina, took umbrage at Hilliard's statement that "the South had always gotten all she contended for." He asked if he could take his slaves and go to Saratoga Springs with safety. Mr. Hilliard replied, No; but as South Carolina had undoubted right to make all proper police regulation as to the admission of persons of color within her limits, so the State of New York had a similar right to pass laws which (while good for New York) we of the Southern States might think objectionable.⁶⁴

Holding views regarding secession similar to those of Roger A. Pryor of Virginia, Hilliard was forced to stand the fire of such criticism as the following at the hands of the Secessionists:

"What⁶⁵ do these men (like Hilliard) propose for the South? They seem wholly bent upon the one grand design to 'support the existing administration and to inaugurate a new one like it (for 1860)—'conservatism' is their creed—'Union,' their watchword!

"They have an 'oath-book' (a hit at the Know Nothings) out of which they pray curses upon the 'Ultras' of the South and the Abolitionists of the North. They don't know which of these are most treasonable, which they hate most—these 'Ultras' who furiously propose to 'organize the South,' and put her in a state of readiness to meet the threatened aggressors of Black Republican ascendancy in 1860, or the Abolitionists who come armed with Federal power to exterminate the South."

(Signed)

ZENO.

That Hilliard felt keenly the embarrassment of his political position—with the Democrats, but not of them; and deeply regretted the mistake of going into the Democratic ranks, of not standing independently to Whig principles, whether the Whigs

⁶² The Dred Scott Decision.

⁶³ The report of the proceedings of the Commercial Convention, and comments thereon in the *Montgomery Mail*, May 12, 1858 (bound volumes); also the recital of these very points in Nicolay and Hay's *Life of Lincoln*.

⁶⁴ See bound volumes of Montgomery newspapers of 1858, May, in *Advertiser* office; they contain "the incident" in full.

⁶⁵ The exact reference to this has been lost—it was copied from a bound volume of the *Weekly Advertiser* for either 1858 or '59, in the office of the *Montgomery Advertiser*.

had an organization or not, is asserted in a letter from one of his most faithful, surviving Whig friends.

This friend writes,

"In March, 1857, directly after the inauguration of Mr. Buchanan, Mr. Hilliard came to Troy to attend circuit court. When I met him, he asked me if I had read Mr. Buchanan's inaugural address; I told him I had. Then Mr. H. went on to speak of the conservative address, and declared his purpose to support the administration of Mr. Buchanan on the strength of that address. I replied that I thought he could do so without any change of political principles. So while in Troy he wrote an address to the people announcing his purpose to support the administration as an ally of the Democratic party. He never admitted he was a Democrat, though, and he afterwards wrote me a letter in which he declared his support of the administration was the greatest mistake of his life."⁶⁶

In the exciting scenes attending the presidential campaign of 1860, Mr. Hilliard was scarcely more than a spectator. Yancey was the leader; this was his opportunity for which he had labored long and faithfully. Hilliard disapproved of the very basis of Yancey's doctrine—secession; so he was merely a distressed looker-on at the Charleston convention in 1860; where doubtless his sentiments were well expressed by Preston of Virginia, who declared that the report submitted to the convention asserted "that the great wants of the South were labor, slaves, territory, federal power and—supremacy! While he (Preston) considered the great wants of the South were union, harmony in council and concert in action."⁶⁷

When the Constitutional Union convention at Baltimore nominated Bell and Everett, Hilliard forthwith ignored all connection with Democracy and gladly once again arrayed himself under the banner of "trusty and trustworthy" Whiggism. He speaks forth the sentiments of his heart: "Here were men to be trusted!"

Benjamin H. Hill⁶⁸ of Georgia joins in Hilliard's enthusiasm over their leader:

⁶⁶ Extracts from a letter to the author from Mr. Benjamin Gardner, of Palestine, Texas, written April 7, 1901.

⁶⁷ See *Weekly Mail*, June, 1860, in which are reports and comments on the Charleston Convention.

⁶⁸ *Montgomery Weekly Post*, Sept. 19, 1860.

"John Bell is the only man (of the four Presidential candidates) who never stood on a sectional platform; who never pandered to sectional prejudices, and whose record is so noble, national, and patriotic, as to be enough for a platform, enough for a patriot, enough for the peace of his country! John Bell is the only candidate who has always voted directly against both the Wilmot proviso and squatter sovereignty."

During the summer of 1860 Mr. Hilliard studied political conditions in the North and was called on to address a conservative meeting in New York city. Bravely he stands in the citadel of the North and flings defiance to the party which seeks "to reverse the whole policy of the government and proclaim hostility to slavery everywhere. * * We must defeat this fierce sectional league and save the government from their grasp."⁶⁹

As a fair sample of how bitter the political strife was, and how recklessly one side would quote the utterances of the other, perhaps it is well to insert an extract from the report of Hilliard's speech delivered in Cooper Institute,⁷⁰ New York city, Sept. 17, 1860, sent to the *Charleston Courier* by its New York correspondent:

"The great speeches last evening were made by Mayor Wood, who really surpassed himself, the Hon. Henry W. Hilliard, of Montgomery, Ala., and ex-Gov. Morehead of Kentucky.

"Mr. Hilliard was particularly down on Senator Seward of the North and the disunionists of the South.

"When he remarked with much warmth of expression 'Leave us of the South to deal with the Secessionists, and you of the North take care of the Abolitionists,'⁷¹ the whole immense assembly rose, cheered, waved their hats and handkerchiefs, presenting a scene that was startlingly grand and exciting."

Mr. Hilliard has previously expressed his opinion of Mr. Seward and his party.⁷² The *Montgomery Weekly Post* of Sept. 7, 1860, thus reports him:

⁶⁹ *Politics*, etc., p. 297, 298.

⁷⁰ Hilliard's speech is fully reported in the *Montgomery Weekly Post* (bound volumes), Oct 2, and 3, 1860; also in *Politics and Pen Pictures*, p. 294; also the *New York Herald*, Sept. 18, 1860.

⁷¹ This is not to be found in any report of Mr. H's speech, save the *Charleston Courier's*; it is quoted from that paper by the *Montgomery Weekly Post*, Oct. 3, 1860.

⁷² At Newark, N. J., Sept. 7, 1860.

"Mr. Seward was guilty of a singular inconsistency; he claimed the Missouri compromise as the beginning of all our trouble, when the fact was that our trouble commenced after the repeal of that measure. * * Should this Republican party succeed? He could not believe it, and almost imagined the ashes of Washington would be reanimated, and his immortal voice speak out in sorrow at its success. In such a case, our bright flag should be shrouded in crape and we should mourn in sack-cloth and ashes. In such a case—he would make no threats—there would occur something that would never be forgotten, and the recital of which would make their children's children turn pale. He did not wish them to suppose for a moment that he was a disunionist. Come weal, come woe, he was bound to die in the Union. He never calculated the value of the Union. It could not be calculated; but the success of the Black Republicans might be the beginning of that cold feeling which would encourage dangerous public sentiment, and lead to a final dissolution which no power on earth could avert."

The conservative element in Boston invited Mr. Hilliard to express the views of the Southern conservatives to Boston hearers in Faneuil Hall. The burden of his plea was still "Stand by the constitution and the Union."

Regarding Mr. Hilliard's opinion of the strength of the candidates, and the general political situation, his letter to Fillmore, written from New York, Aug. 30, 1860,⁷³ gives the clearest view:

"Mr. Breckinridge is the exponent of my views; he stands upon a platform which I approve. * * I must say, too, with equal candor that I believe the accusations brought against Mr. Douglas are greatly overstrained. * * Still it is clear that the antagonistical attitude of those two gentlemen and the fierce conflict that is waged between their friends must put it out of the power of either of them to defeat Mr. Lincoln. * * * The only hope of defeating Mr. Lincoln is to conquer one's prejudices, to disregard party shackles, and to rally everywhere in support of those two eminent and conservative statesmen, whose claims upon our confidence does not rest on their possession of a creed, but upon the surer and better basis of well defined character, of matured wisdom and great public services—John Bell and Edward Everett."

⁷³ Montgomery *Weekly Post* (bound volume), Sept. 11, 1860.

When the result of the struggle became known, and the issues involved in Lincoln's election had to be faced, Hilliard was "still national"⁷⁴ and desired that Alabama should await some further action on the part of the general government before following the example already set by South Carolina, and seceding. He desired especially to await the full co-operation of the other slave-holding States before taking any final step.⁷⁵ When he expressed these views to a large audience in Estelle hall, Montgomery, he says, "they heard me respectfully, but did not give me their sympathy."⁷⁶

The following is a part of Mr. Hilliard's speech on that occasion copied from the *Montgomery Weekly Confederation*⁷⁷ of Dec. 21, 1860; the speech was delivered Dec. 10:

"It is now my deliberate judgment that we ought to resist the further progress of the anti-slavery sentiment, and to meet its advance by the most rigorous and decided resistance. So far as the action of the Federal government is concerned we do not make that the ground of complaint. * * But what we do complain of is the action of the co-ordinate States; the refusal on their part to afford us sufficient remedial justice for the recovery of fugitive slaves; in some instances the passage of laws actually nullifying the acts of congress; * * of the growing hostility on the part of many of the people of the North to our institutions, and now of the triumphant election by an overwhelming majority of votes in the non-slave-holding States of two men—chosen from that section because of their well-known hostility to slavery, and their denial of our constitutional rights—to the highest seats of power in the republic.

"The government is about to take a new departure; it is about to pass into the hands of our enemies, and we must now demand new guarantees for our rights, and reconstruction of the organic powers of a political system which has become so formidable to us. * * After this exposition of my views, I shall now state my opinions in regard to the duty of our own State. I am wholly opposed to the separate secession of Alabama from the Union."

Mr. Hilliard took no part in the measures which resulted in the secession of Alabama, nor in the subsequent proceedings of the Confederate government.

⁷⁴ *Politics*, etc., p. 309.

⁷⁵ *Ibid.*

⁷⁶ *Ibid.*, p. 310.

⁷⁷ Bound volumes of *The Weekly Confederation*, 1860-61 in the office of the *Montgomery Advertiser*, and in the Supreme Court Library.

While in full sympathy with the South, it was understood that he was opposed to the steps that had been taken.

But when Lincoln issued the call for 75,000 troops with which "to coerce the seceding States into obedience to the Federal government," this was too much for the Unionism of Mr. Hilliard; his State rights doctrine flamed up and he remembered only that he was a Southerner.

He says, "I regarded this act as a flagrant violation of the constitution. This usurpation of authority was in conflict with the principles of free government, and the spirit of our institutions."⁷⁸

When the Confederate government demanded his services as agent to negotiate with Tennessee⁷⁹ he promptly accepted the mission, and prosecuted with energy the purpose of persuading her to secede and join the Southern confederacy. This seemed strange work for Hilliard! Yet he returned to Montgomery bearing triumphantly the news of Tennessee's secession.

It was but a step further to raise a "legion"⁸⁰ and on battlefield prove at the sword's point his faith in the old doctrine of State rights.

That Hilliard's legion had its share of glory in the fortunes of war is brought home vividly to us by reading an old faded letter—a family treasure—written by the judge advocate of the legion.

This officer had been granted sick leave by Colonel Hilliard, and so was absent when the legion marched with Kirby Smith's division of Bragg's army into Kentucky. This officer⁸¹ hastened to rejoin his command but arrived too late to share in the glory of the great battle, but not too late to become the historian for one of the most decisive victories for the Southern arms in which the legion had a part. This writer says:⁸²

"It was in one of those white oak orchards, around a large brick church, and on both sides of the magnificent turnpike from Big Hill to Richmond (Ky.), and also in the open wheat fields and amid the thick green corn close by, that Kirby Smith with

⁷⁸ *Politics*, etc., p. 324.

⁷⁹ *Politics*, etc., p. 325, and 350.

⁸⁰ See Brewer's *Alabama*, p. 671-73, for sketch of this command.

⁸¹ Capt. Edward L. MacIntyre, Judge Advocate of Hilliard's Legion.

⁸² Capt. MacIntyre wrote to his mother, Mrs. Anne MacIntyre; the letter is now in the possession of his sister, Mrs. H. P. Cozart, Montgomery, Ala.

only about 6,000 men attacked and defeated fifteen splendidly equipped, new, and full Yankee regiments, achieving one of the most signal victories. It was the first fresh battlefield I had seen and my emotions on beholding such a scene, even weeks after the thunder of cannon and the rattle of the terrible rifle had ceased, were peculiar. The enemy did not long withstand the impetuous assaults of our troops, but stood sufficiently long to leave 150 of their number dead and 400 wounded on the field. The trees and fences show that though the conflict was short it was sharp. Our loss in this engagement was 50 killed and 150 wounded. The church is just six miles southeast of Richmond. Three miles farther on, the enemy concluded to rally and try it again, but with still more disastrous results; so on they went until they reached Richmond; here they plucked up courage and made a third stand, protected by fences, houses and tombstones, for the most of the fight was in a large graveyard.

"Our men soon routed them at the bayonet's point with great slaughter and the tombstones, obelisks and statues bear the black impress of the iron and leaden hail. Here was the severest conflict of the three attacks. Our forces suffered most here, but the rout of the enemy was complete.

"Smith captured 3,000 prisoners on the field. He had taken the precaution to send Scott's brigade of cavalry around Richmond to the rear, and when the enemy came along panting and blowing the cavalry fired into them. About 20 men were killed; the balance threw down their arms and cried 'quarter.' Our victory was complete. * * While the killed and wounded numbered about 1,500; the prisoners about 8,000; we captured immense quantities of clothing, provisions and other stores, and 15,000 stand of the finest guns in use. We were now in possession of the gap; this itself is worth the trip into Kentucky. While we have lost about 6,000 men, Bragg got 80 fine cannon, 30,000 stand of arms, 10,000 new recruits (think of that!) 10,000 beeves, 8,000 horses, 6,000 wagons, 300 wagon loads of jeans, linseys, and other army supplies in equal profusion.

"Bragg brought all these supplies off safely, besides winning two splendid victories. Was ever so much done in two months? And now we are safely back with our army doubly inured to toil, hardy, victorious and ready for more work. I think it one of the most remarkably successful campaigns on record. What a march! Eight hundred miles! Beset by three times his own force—and yet what magnificent results. Could you see Bragg's army train, at least 60 miles long, you might realize what we have done. I wish you could see this victorious army—of ragged, half-frozen, half-starved, gaunt-looking, barefoot men—as it marched on its return through Tazewell (Tenn.) this week; such miserable looking objects as these soldiers are! Yet when the

bands struck up 'Dixie,' they greeted it with cheer on cheer—the vast waves of sound rolling away into the distance, both front and rear, for miles!

"Since beginning this letter I have discovered the whereabouts of my command—Colonel Hilliard and the legion have been in the thickest of the melee; I found both the lieutenants of my company at Richmond wounded; the command is now at the gap, and it is thought we shall be stationed there all winter. I will join my command to-morrow, so good-bye."

From this we can but conclude that if Hilliard was not "first in war," he made a very able "second."

In summing up the career of Hilliard from the time he became an Alabamian by adoption to the stirring events of the Civil War—for we purpose going no further, as the rest of the story is charmingly set forth by Hilliard himself in "Politics and Pen Pictures"—we must not ignore his social influence. This side of life appealed very strongly to him, and we have every right to believe that he was eager to give as well as to receive. His sister-in-law⁸³ thus interestingly writes on this point:

"On Mr. Hilliard's return from the mission to Belgium, the family went to housekeeping in their own home on Jefferson street⁸⁴—next door to Col. Jesse P. Taylor's. They furnished their home very handsomely for those times with furniture and paintings⁸⁵ brought with them from abroad. Here they entertained very delightfully in the Belgian style.

"The arrangement of the table for dinings was something very new to Montgomerians; the desserts were arranged on the table with cut flowers in quite an artistic manner. The different courses were then served from the butler's pantry—quite an innovation upon the old way of placing the 'grand meat' upon the table, and then changing table cloths for dessert, and changing again for fruits, nuts, wines, etc. Mr. Hilliard was not wealthy, but his law practice together with his wife's handsome property, enabled them to live more than comfortably.

"Mr. Hilliard owned for many years four acres of ground at the head of Washington street.⁸⁶ Here, during the 'fifties,' he built

⁸³ Mrs. Maxwell Allen's letter to T. Cozart, Feb., 1901.

⁸⁴ The house still known in Montgomery as "the William Joe Bibb place;" it was occupied for years by Mr. McD. Cain, whose wife was a relative of the Bibbs.

⁸⁵ Much of it still in possession of Mrs. Hilliard's relatives.

⁸⁶ The place has been known for years as "The Old Ware Place," though a street near the property now bears the name of "Hilliard street." The house which Hilliard built here is now owned, I believe, by John Nicrosi. Jackson street runs along its west front.

the large brick house now standing there.⁸⁷ He hoped that the State would purchase it for the governor's mansion. Here he entertained freely; and all distinguished visitors to Alabama's capital invariably became Mr. Hilliard's guests."

Thus Mr. Hilliard assisted in establishing that name for hospitality which became typical of the South. Thus he endeavored to repay the many social attentions extended to him throughout the North and South, as well as Europe. He speaks (in *Politics and Pen Pictures*) most appreciatively of the privilege of meeting so many of our great men; and he numbered among his friends and associates not only those politically great, but the great in other ways. In this list will be found the names of the Appletons, Longfellow and Prescott the historian.⁸⁸

⁸⁷ This house is built in the Continental style, and shows a marked difference from the general Southern style of architecture. The grounds were terraced and arranged in the most effective style of landscape gardening. Here every beautiful hardy shrub of the South as well as of Europe grew luxuriantly; while amid the green leaves gleamed here and there, a piece of marble, vase or statue.

⁸⁸ See *Politics*, etc., pp. 190, 200.



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